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ABSTRACT

This booklet is a guide to the provisions of the Fair Labor Standards Act (also known as the Wage-Hour Law) which apply to minors employed in nonagricultural occupations. The content is as follows: coverage of the child labor provisions (covers employees in commerce, the production of goods for commerce, an enterprise engaged in commerce, and an establishment producing goods for commerce), minimum age standards for nonagricultural employment, exemptions from the child labor provisions of the Act, employment standards for fourteen- and fifteen-year-old minors, seventeen hazardous occupations orders in nonagricultural occupations (includes for each order the occupations covered, definitions, and exemptions), penalties for violation, and age certificates. Information as to where inquiries about the Fair Labor Standards Act can be forwarded is provided. (EM)

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CHILD LABOR

REQUIREMENTS IN NONAGRICULTURAL OCCUPATIONS UNDER THE FAIR LABOR STANDARDS ACT

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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UNITED STATES
DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION

WAGE AND HOUR DIVISION
CHILD LABOR BULLETIN NO. 101

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CHILD LABOR BULLETIN NO. 101

(Child Labor Bulletin No. 102 deals with employment of minors in agriculture.)

This booklet is a guide to the provisions of the Fair Labor Standards Act (also known as the Wage-Hour law) which apply to minors employed in non-agricultural occupations. In addition to child labor provisions, the Act also contains provisions on minimum wage, overtime, equal pay, and record-keeping.

OTHER CHILD LABOR LAWS

Other Federal and State laws may have higher standards. When these apply, the more stringent standard must be observed. All states have child labor laws and all but one have compulsory school attendance laws.

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N O T E TO E M P L O Y E R S

UNLESS OTHERWISE EXEMPT, A COVERED MINOR EMPLOYEE MUST BE PAID ACCORDING TO THE STATUTORY MINIMUM WAGE AND OVERTIME PROVISIONS OF THE ACT.

COVERAGE OF THE CHILD LABOR PROVISIONS

EMPLOYMENT IN COMMERCE

Employees engaged in interstate commerce are covered. This includes, among others, workers in the telephone, telegraph, radio, television, importing, exporting, and transportation industries; employees in distributing industries, such as wholesaling, who handle goods moving in interstate commerce, as well as workers who order, receive, or keep records of such goods; and clerical and other workers who regularly use the mails, telephone, and telegraph for interstate or foreign communication.

IN THE PRODUCTION OF GOODS FOR COMMERCE

Employees who work in places that produce goods for interstate commerce, such as manufacturing establishments, oil fields, mines; or in occupations that are closely related or directly essential to the production of such goods are covered.

IN AN ENTERPRISE ENGAGED IN COMMERCE

Employees employed in enterprises having employees handling, selling or working on goods or materials that have been moved in or produced for interstate commerce are covered. Included in this category are employees of hotels, motels, restaurants and other enterprises whose business volume is at least $250,000 a year; and hospitals, establishments for residential care of sick and aged, laundries and dry cleaning establishments, schools, Federal, State, and local and interstate governments and agencies regardless of their annual volume of business.

The child labor provisions apply to employment in an establishment of a covered enterprise even though employment in such an establishment is exempt from the monetary provisions of the Act.

The child labor provisions do not apply to domestic service employees employed in or about the household of the employer.

IN OR ABOUT AN ESTABLISHMENT PRODUCING GOODS FOR COMMERCE

Producers, manufacturers, or dealers are prohibited from shipping or delivering for shipment in interstate commerce any goods produced in an establishment in or about which oppressive child labor has been employed within 30 days prior to the removal of the goods. It is not necessary for the employees to be working on the goods that are removed for shipment in order to be covered.

OPPRESSIVE CHILD LABOR IS DEFINED AS EMPLOYMENT OF CHILDREN UNDER THE LEGAL MINIMUM AGES

MINIMUM AGE STANDARDS FOR NONAGRICULTURAL EMPLOYMENT

14 -- Minimum age for employment in specified occupations outside school hours.

16 -- BASIC MINIMUM AGE FOR EMPLOYMENT. At 16 years of age youths may be employed in any occupation, other than a nonagricultural occupation declared hazardous by the Secretary of Labor.

18 -- Minimum age for employment in nonagricultural occupations declared hazardous by the Secretary of Labor.

-- No minimum age for employment which is exempt from the child labor provisions of the Act.

-- No minimum age for employment with respect to any employee whose services during the workweek are performed in a workplace within a foreign country or within territory as limited by section 13(f) of the Act.

EXEMPTIONS FROM THE CHILD LABOR PROVISIONS OF THE ACT

THE CHILD LABOR PROVISIONS DO NOT APPLY TO:

-- children under 16 years of age employed by their parents in occupations other than manufacturing or mining, or occupations declared hazardous by the Secretary of Labor.

-- children employed as actors or performers in motion pictures, theatrical, radio, or television productions.

-- children engaged in the delivery of newspapers to the consumer.

-- homeworkers engaged in the making of wreaths composed principally of natural holly, pine, cedar, or other evergreens (including the harvesting of the evergreens).

EMPLOYMENT STANDARDS FOR 14 AND 15-YEAR-OLDS

(These standards are published in Subpart C of Part 570 of Title 29 of the Code of Federal Regulations, Child Labor Regulation No. 3.)

Employment of 14 and 15-year-old minors is limited to certain occupations under conditions which do not interfere with their schooling, health, or well-being.

HOURS-TIME STANDARDS:

14 AND 15-YEAR-OLD MINORS MAY NOT BE EMPLOYED:

(1) DURING SCHOOL HOURS, except as provided for in Work Experience and Career Exploration Programs.

(2) BEFORE 7 a.m. or AFTER 7 p.m. except 9 p.m. from June 1 through Labor Day (time depends on local time standards).

(3) MORE THAN 3 HOURS A DAY - - on school days.

(4) MORE THAN 18 HOURS A WEEK - - in school weeks.

(5) MORE THAN 8 HOURS A DAY - - on nonschool days.

(6) MORE THAN 40 HOURS A WEEK - - in nonschool weeks.

PERMITTED OCCUPATIONS FOR 14 and 15-YEAR OLD MINORS IN RETAIL, FOOD SERVICE AND GASOLINE SERVICE ESTABLISHMENTS

14 AND 15-YEAR-OLD MINORS MAY BE EMPLOYED IN --

(1) OFFICE and CLERICAL WORK (including operation of office machines).

(2) CASHIERING, SELLING, MODELING, ART WORK, WORK IN ADVERTISING DEPARTMENTS, WINDOW TRIMMING and COMPARATIVE SHOPPING.

(3) PRICE MARKING and TAGGING by hand or by machine, ASSEMBLING ORDERS, PACKING and SHELVING.

(4) BAGGING and CARRYING OUT CUSTOMERS' ORDERS.

(5) ERRAND and DELIVERY WORK by foot, bicycle, and public transportation.

(6) CLEAN UP WORK, including the use of vacuum cleaners and floor waxers, and MAINTENANCE of GROUNDS, but not including the use of power-driven mowers or cutters.

(7) KITCHEN WORK and other work involved in preparing and serving food and beverages, including the operation of machines and devices used in the performance of such work, such as, but not limited to, dish-washers, toasters, dumbwaiters, popcorn poppers, milk shake blenders, and coffee grinders.

(8) WORK IN CONNECTION WITH CARS and TRUCKS if confined to the following:

Dispensing gasoline and oil.
Courtesy service on premises of gasoline service station.
Car cleaning, washing and polishing.
Other occupations permitted by this section.

BUT NOT INCLUDING WORK:

Involving the use of pits, racks or lifting apparatus or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.

(9) CLEANING VEGETABLES and FRUITS, and WRAPPING, SEALING, LABELING, WEIGHING, PRICING and STOCKING GOODS when performed in areas physically separate from areas where meat is prepared for sale and outside freezers or meat coolers.

IN ANY OTHER PLACE OF EMPLOYMENT

14 AND 15-YEAR-OLD MINORS MAY BE EMPLOYED IN any occupation EXCEPT the excluded occupations listed below:

14 AND 15-YEAR-OLD MINORS MAY NOT BE EMPLOYED IN

(1) Any MANUFACTURING occupation.

(2) Any MINING occupation.

(3) PROCESSING occupations such as filleting of fish, dressing poultry, cracking nuts, or laundering as performed by commercial laundries and dry cleaning (except in a retail, food service, or gasoline service establishment in those specific occupations expressly permitted there in accordance with the foregoing list).

(4) Occupations requiring the performance of any duties IN WORKROOMS OR WORKPLACES WHERE GOODS ARE MANUFACTURED, MINED, OR OTHERWISE PROCESSED (except to the extent expressly permitted in retail, food service, or gasoline service establishments in accordance with the foregoing list).

(5) PUBLIC MESSENGER SERVICE.

(6) OPERATION OR TENDING OF HOISTING APPARATUS or of ANY POWER-DRIVEN MACHINERY (other than office machines and machines in retail, food service, and gasoline service establishments which are specified in the foregoing list as machines which such minors may operate in such establishments).

(7) ANY OCCUPATIONS FOUND AND DECLARED TO BE HAZARDOUS.

(8) OCCUPATIONS IN CONNECTION WITH:

(a) TRANSPORTATION of persons or property by rail, highway, air, on water, pipeline or other means.	Except office or Sales Work in connection with (a) (b) (c) and (d) when not performed on transportation media or at the actual construction site.

(b) WAREHOUSING and STORAGE.

(c) COMMUNICATIONS and PUBLIC UTILITIES.

(d) CONSTRUCTION (including repair).

(9) ANY OF THE FOLLOWING OCCUPATIONS IN A RETAIL, FOOD SERVICE, OR GASOLINE SERVICE ESTABLISHMENT:

(a) WORK performed IN or ABOUT BOILER or ENGINE ROOMS.

(b) Work in connection with MAINTENANCE or REPAIR OF THE ESTABLISHMENT, MACHINES or EQUIPMENT.

(c) OUTSIDE WINDOW WASHING that involves working from window sills, and all work requiring the use of LADDERS, SCAFFOLDS or their substitutes.

(d) COOKING (except at soda fountains, lunch counters, snack bars, or cafeteria serving counters) and BAKING.

(e) Occupations which involve OPERATING, SETTING UP, ADJUSTING, CLEANING, OILING, or REPAIRING power-driven FOOD SLICERS and GRINDERS, FOOD CHOPPERS and CUTTERS, and BAKERY-TYPE MIXERS.

(f) Work in FREEZERS and MEAT COOLERS and all work in PREPARATION OF MEATS for sale (except wrapping, sealing, labeling, weighing, pricing and stocking when performed in other areas).

(g) LOADING and UNLOADING GOODS to and from trucks, railroad cars or conveyors.

(h) All occupations in WAREHOUSES except office and clerical work.

EXCEPTIONS

WORK EXPERIENCE AND CAREER EXPLORATION PROGRAMS (WECEP)

Some of the provisions of Child Labor Regulation No. 3 are varied for 14 and 15-year-olds in approved school-supervised and school-administered Work Experience and Career Exploration Programs (WECEP). Enrollees in WECEP may be employed

-- during school hours

-- for as many as 3 hours on a school day

-- for as many as 23 hours in a school week

-- in occupations otherwise prohibited for which a variation has been granted by the Administrator of the Wage and Hour Division.

The State Educational Agency must obtain approval from the Administrator of the Wage and Hour Division before operating a WECEP program.

HAZARDOUS OCCUPATIONS ORDERS IN NONAGRICULTURAL OCCUPATIONS

(These Orders are published in Subpart E of Part 570 of Title 29 of the Code of Federal Regulations.)

HAZARDOUS OCCUPATIONS ORDERS

The Fair Labor Standards Act provides a minimum age of 18 years for any nonagricultural occupations which the Secretary of Labor "shall find and by order declare" to be particularly hazardous for 16 and 17-year-old persons, or detrimental to their health and well-being. This minimum age applies even when the minor is employed by the parent or person standing in place of the parent.

The 17 hazardous occupations orders now in effect apply either on an industry basis, specifying the occupations in the industry that are not covered, or on an occupational basis irrespective of the industry in which found.

THE ORDERS IN EFFECT DEAL WITH:

(1) Manufacturing and storing explosives. (p.14)
(2) Motor-vehicle driving and outside helper. (p.15)
(3) Coal mining. (p.17)
(4) Logging and sawmilling. (p.17)
(5) Power-driven woodworking machines. (p.19)
(6) Exposure to radioactive substances. (p.21)
(7) Power-driven hoisting apparatus. (p.21)
(8) Power-driven metal-forming, punching, and shearing machines. (p.24)
(9) Mining, other than coal mining. (p.26)
(10) Slaughtering, or meat-packing, processing or rending. (p.27)
(11) Power-driven bakery machines. (p.29)
(12) Power-driven paper-products machines. (p.30)
(13) Manufacturing brick, tile, and kindred products. (p.32)
(14) Power-driven circular saws, band saws, and guillotine shears. (p.33)
(15) Wrecking, demolition, and shipbreaking operations. (p.34)
(16) Roofing operations. (p.34)
(17) Excavation operations. (p.35)

MANUFACTURING OR STORAGE OCCUPATIONS INVOLVING EXPLOSIVES (ORDER NO. 1)

The following occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosives components are prohibited:

(1) All occupations in or about any plant or establishment (other than retail establishments or plants or establishments of the type described in subparagraph (2) of this paragraph) manufacturing or storing explosives or articles containing explosives components except where the occupation is performed in a "non-explosives area" as defined in subparagraph (3) of this section.

(2) The following occupations in or about any plant or establishment manufacturing or storing small arms ammunition not exceeding .60 caliber in size, shotgun shells, or blasting caps when manufactured or stored in conjunction with the manufacture of small-arms ammunition:

(a) All occupations involved in the manufacturing, mixing, transporting, or handling of explosive compounds in the manufacture of small-arms ammunition and all other occupations requiring the performance of any duties in the explosives area in which explosive compounds are manufactured or mixed.

(b) All occupations involved in the manufacturing, transporting, or handling of primers and all other occupations requiring the performance of any duties in the same building in which primers are manufactured.

(c) All occupations involved in the priming of cartridges and all other occupations requiring the performance of any duties in the same workroom in which rim-fire cartridges are primed.

(d) All occupations involved in the plate loading of cartridges and in the operation of automatic loading machines.

(e) All occupations involved in the loading, inspecting, packing, shipping and storage of blasting caps.

Definitions

(1) The term "plant or establishment manufacturing or storing explosives or articles containing explosive components" means the land with all the buildings and other structures thereon used in connection with the manufacturing or processing or storing of explosives or articles containing explosive components.

(2) The terms "explosives" and "articles containing explosive components" mean and include ammunition, black powder, blasting caps, fireworks, high explosives, primers, smokeless powder, and all goods classified and defined as explosives by the Interstate Commerce Commission in regulations for the transportation of explosives and other dangerous substances by common carriers (49 CFR Parts 71-78) issued pursuant to the Act of June 25, 1948 (62 Stat. 739; 18 U. S. C. 835).

(3) An area meeting all of the following criteria shall be deemed a "nonexplosives area":

(a) None of the work performed in the area involves the handling or use of explosives;

(b) The area is separated from the explosives area by a distance not less than that prescribed in the American Table of Distances for the protection of inhabited buildings;

(c) The area is separated from the explosives area by a fence or is otherwise located so that it constitutes a definite designated area; and

(d) Satisfactory controls have been established to prevent employees under 18 years of age within the area from entering any area in or about the plant which does not meet criteria (a) through (c).

MOTOR VEHICLE OCCUPATIONS (ORDER NO. 2)

(a) The occupations of motor-vehicle driver and outside helper on any public road, highway, in or about any mine (including open pit mine or quarry), place where logging or sawmill operations are in progress, or in any excavation of the type identified in 29 CFR 570.68(a) are prohibited for minors between 16 and 18 years of age except as provided in paragraph (b):

(b) Exemptions:

(1) Incidental and occasional driving. The finding and declaration in paragraph (a) shall not apply to the operation of automobiles or trucks not exceeding 6,000 pounds gross vehicle weight if such driving is restricted to daylight hours; provided, such operation is only occasional and incidental to the child's employment; that the child holds a State license valid for the type of driving involved in the job performed and has completed a State approved driver education course; and provided further, that the vehicle is equipped with a seat belt or similar device for the driver and for each helper, and the employer has instructed each child that such belts or other devices must be used. This subparagraph shall not be applicable to any occupation of motor-vehicle driver which involves the towing of vehicles.

(2) School bus driving. The finding and declaration in paragraph (a) shall not apply to driving a school bus during the period of any exemption which has been granted in the discretion of the Secretary of Labor on the basis of an application filed and approved by the Governor of the State in which the vehicle is registered. The Secretary will notify any State which inquires of the information to be furnished in the application. Neither shall the finding and declaration in paragraph (a) apply in a particular State during a period not to exceed 40 days while application for such exemption is being formulated by such State seeking merely to continue in effect unchanged its current program using such drivers, nor while such application is pending action by the Secretary.

(c) Definitions.

(1) The term "motor vehicle" shall mean any automobile, truck, truck-tractor, trailer, semitrailer, motorcycle, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation but shall not include any vehicle operated exclusively on rails.

(2) The term "driver" shall mean any individual who, in the course of employment, drives a motor vehicle at any time.

and burning slash, maintaining fire-fighting equipment, constructing and maintaining telephone lines, or acting as fire lookout or fire patrolman away from the actual logging operations: Provided, that the provisions of this paragraph shall not apply to the felling or bucking of timber the collecting or transporting of logs, the operation of power-driven machinery, the handling or use of explosives, and work on trestles.

(d) Peeling of fence posts, pulpwood, chemical wood, excelsior wood, cordwood, or similar products, when not done in conjunction with and at the same time and place as other logging occupations declared hazardous by this section.

(e) Work in the feeding or care of animals.

(2) Exceptions applying to the operation of any permanent sawmill or the operation of any lath mill, shingle mill, or cooperage-stock mill; Provided, that these exceptions do not apply to a portable sawmill the lumber yard of which is used only for the temporary storage of green lumber and in connection with which no office or repair or maintenance shop is ordinarily maintained: and Further provided, that these exceptions do not apply to work which entails entering the sawmill building:

(a) Work in offices or in repair or maintenance shops.

(b) Straightening, marking, or tallying lumber on the dry chain or the dry drop sorter.

(c) Pulling lumber from the dry chain.

(d) Clean-up in the lumberyard.

(e) Piling, handling, or shipping of cooperage stock in yards or storage sheds, other than operating or assisting in the operation of power-driven equipment.

(f) Clerical work in yards or shipping sheds, such as done by ordermen, tallymen, and shipping clerks.

(g) Clean-up work outside shake and shingle mills, except when the mill is in operation.

(h) Splitting shakes manually from pre-cut and split blocks with a froe and mallet, except inside the mill building or cover.

(i) Packing shakes into bundles when done in conjunction with splitting shakes manually with a froe and mallet, except inside the mill building or cover.

(j) Manual loading of bundles of shingles or shakes into trucks or railroad cars, provided that the

(3) The term "outside helper" shall mean any individual, other than a driver, whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivering goods.
(4) The term "gross vehicle weight" includes the truck chassis with lubricants, water and full tank or tanks of fuel, plus the weight of the cab or driver's compartment, body, and special chassis and body equipment, and payload.

COAL MINE OCCUPATIONS (ORDER NO. 3)

All occupations in or about any coal mine are prohibited except the occupation of slate or other refuse picking at a picking table or picking chute in a tipple or breaker and occupations requiring the performance of duties solely in offices or in repair or maintenance shops located in the surface part of any coal-mining plant.

Definitions

The term "coal" shall mean any rank of coal, including lignite, bituminous, and anthracite coals.

The term "all occupations in or about any coal mine" shall mean all types of work performed in any underground working, open pit, or surface part of any coal-mining plant that contributes to the extraction, grading, cleaning, or other handling of coal.

LOGGING AND SAWMILLING OCCUPATIONS (ORDER NO. 4)

All occupations in logging and all occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill are prohibited except the following:

(1) Exceptions applying to logging:
  (a) Work in offices or in repair of maintenance shops.
  (b) Work in the construction, operation, repair, or maintenance of living and administrative quarters of logging camps.
  (c) Work in timber cruising, surveying, or logging-engineering parties; work in the repair or maintenance of roads, railroads, or flumes; work in forest protection, such as clearing fire trails or roads, piling

employer has on file a statement from a licensed doctor of medicine or osteopathy certifying the minor capable of performing this work without injury to himself.

Definitions

The term "all occupations in logging" shall mean all work performed in connection with the felling of timber; the bucking or converting of timber into logs, poles, piles, ties, bolts, pulpwood, chemical wood, excelsior wood, cordwood, fence posts, or similar products; the collecting, skidding, yarding, loading, transporting, and unloading of such products in connection with logging; the constructing, repairing, and maintaining of roads, railroads, flumes, or camps used in connection with logging; the moving, installing, rigging, and maintenance of machinery or equipment used in logging; and other work performed in connection with logging. The term shall not apply to work performed in timber culture, timber-stand improvement, or in emergency firefighting.

The term "all occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill" shall mean all work performed in or about any such mill in connection with storing of logs and bolts; converting logs or bolts into sawn lumber, laths, shingles, or cooperage stock; storing, drying, and shipping lumber, laths, shingles, cooperage stock, or other products of such mills; and other work performed in connection with the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill. The term shall not include work performed in the planing-mill department or other remanufacturing departments of any sawmill, or in any planing-mill or remanufacturing plant not a part of a sawmill.

POWER-DRIVEN WOODWORKING MACHINE OCCUPATIONS
(ORDER NO. 5)

The following occupations involved in the operation of power-driven woodworking machines are prohibited:

(1) The occupation of operating power-driven woodworking machines including supervising or controlling the operation of such machines, feeding material into such machines, and helping the operator to feed material into such machines, but not including the placing of material on a moving chain or in a hopper or slide for automatic feeding.

(2) The occupations of setting up, adjusting, repairing, oiling, or cleaning power-driven woodworking machines.
(3) The operations of off-bearing from circular saws and from guillotine-action veneer clippers.

Definitions

(1) The term "power-driven woodworking machines" shall mean all fixed or portable machines or tools driven by power and used or designed for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening, or otherwise assembling, pressing, or printing wood or veneer.
(2) The term "off-bearing" shall mean the removal of material or refuse directly from a saw table or from the point of operation. Operations not considered as off-bearing within the intent of this section include: (a) The removal of material or refuse from a circular saw or guillotine-action veneer clipper where the material or refuse has been conveyed away from the saw table or point of operation by a gravity chute or by some mechanical means such as a moving belt or expulsion roller, and (b) the following operations when they do not involve the removal of material or refuse directly from a saw table or from a point of operation: the carrying, moving or transporting of materials from one machine to another or from one part of a plant to another; the piling, stacking, or arranging of materials for feeding into a machine by another person; and the sorting, tying, bundling, or loading of materials.

Exemptions

The exemptions for apprentices and student-learners apply to this Order, see page 36.

OCCUPATIONS INVOLVING EXPOSURE TO RADIOACTIVE SUBSTANCES AND TO IONIZING RADIATIONS (ORDER NO. 6)

Any work is prohibited in any workroom in which (a) radium is stored or used in the manufacture of self-luminous compound; (b) self-luminous compound is made, processed, or packaged; (c) self-luminous compound is stored, used, or worked upon; (d) incandescent mantles are made from fabric and solutions containing thorium salts, or are processed or packaged; (e) other radioactive substances are present in the air in average concentrations exceeding 10 percent of the maximum permissible concentrations in the air recommended for occupational exposure by the National Committee on Radiation Protection, as set forth in the 40-hour week column of Table One of the National Bureau of Standards Handbook No. 69 entitled "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," issued June 5, 1959.

Any other work which involves exposure to ionizing radiations in excess of 0.5 rem per year.

Definitions

As used in this section: the term "self-luminous compound" shall mean any mixture of phosphorescent material and radium, mesothorium, or other radioactive element; the term "workroom" shall include the entire area bounded by walls of solid material and extending from floor to ceiling; the term "ionizing radiations" shall mean alpha and beta particles, electrons, protons, neutrons, gamma, and x-ray and all other radiations which produce ionizations directly or indirectly, but does not include electromagnetic radiations other than gamma and x-ray.

POWER-DRIVEN HOISTING APPARATUS OCCUPATIONS (ORDER NO. 7)

The following occupations involved in the operation of power-driven hoisting apparatus are prohibited:

(1) Work of operating an elevator, crane, derrick, hoist, or high-lift truck, except operating an unattended automatic operation passenger elevator or an electric or air-operated hoist not exceeding 1 ton capacity.

(2) Work which involves riding on a manlift or on a freight elevator, except a freight elevator operated by an assigned operator.
(3) Work on assisting in the operation of a crane, derrick, or hoist performed by crane hookers, crane chasers, hookers-on, riggers, rigger helpers, and like occupations.

Definitions

The term "elevator" shall mean any power-driven hoisting or lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction. The term shall include both passenger and freight elevators (including portable elevators or tiering machines) but shall not include dumbwaiters.

The term "crane" shall mean a power-driven machine for lifting and lowering a load and moving it horizontally, in which the hoisting mechanism is an integral part of the machine. The term shall include all types of cranes, such as cantilever gantry, crawler, gantry, hammerhead, ingot-pouring, jib, locomotive, motor truck, overhead traveling, pillar jib, pintle, portal, semigantry, semiportal, storage bridge, tower, walking jib, and wall cranes.

The term "derrick" shall mean a power-driven apparatus consisting of a mast or equivalent members held at the top by guys or braces, with or without a boom, for use with a hoisting mechanism and operating ropes. The term shall include all types of derricks, such as A-frame, breast, Chicago boom, gin-pole, guy, and stiff-leg derricks.

The term "hoist" shall mean a power-driven apparatus for raising or lowering a load by the application of a pulling force that does not include a car or platform running in guides. The term shall include all types of hoists, such as base-mounted electric, clevis suspension, hook suspension, monorail, overhead electric, simple drum, and trolley suspension hoists.

The term "high-lift truck" shall mean a power-driven industrial type of truck used for lateral transportation that is equipped with a power-operated lifting device usually in the form of a fork or platform capable of tiering loaded pallets or skids one above the other. Instead of a fork, or platform, the lifting device may consist of a ram, scoop, shovel, crane, revolving fork, or other attachments for handling specific loads. The

term shall mean and include high-lift trucks known under such names as forklifts, fork trucks, forklift trucks, tiering trucks, or stacking trucks, but shall not mean low-lift trucks or low-lift platform trucks, that are designed for the transportation of, but not the tiering of, material.

The term "manlift" shall mean a device intended for the conveyance of persons which consists of platforms or brackets mounted on, or attached to, an endless belt, cable, chain or similar method of suspension; such belt, cable, or chain operating in a substantially vertical direction and being supported by and driven through pulleys, sheaves or sprockets at the top or bottom.

Exception

This section shall not prohibit the operation of an automatic elevator and an automatic signal operation elevator provided that the exposed portion of the car interior (exclusive of vents and other necessary small openings), the car door, and the hoistway doors are constructed of solid surfaces without any opening through which a part of the body may extend; all hoistway openings at floor level have doors which are interlocked with the car door so as to prevent the car from starting until all such doors are closed and locked; the elevator (other than hydraulic elevators) is equipped with a device which will stop and hold the car in case of overspeed or if the cable slackens or breaks; and the elevator is equipped with upper and lower travel limit devices which will normally bring the car to rest at either terminal and a final limit switch which will prevent the movement in either direction and will open in case of excessive over travel by the car.

DEFINITIONS as used in this exception:

For the purpose of this exception the term "automatic elevator" shall mean a passenger elevator, a freight elevator, or a combination passenger-freight elevator, the operation of which is controlled by pushbuttons in such a manner that the starting, going to the landing selected, leveling and holding, and the opening and closing of the car and hoistway doors are entirely automatic.

For the purpose of this exception, the term "automatic signal operation elevator" shall mean an elevator which is started in response to the operation of a switch (such as a lever or pushbutton) in the car which when operated by the operator actuates a starting device that automatically closes the car and hoistway doors--from this point on, the movement of the car to the landing selected, leveling and holding when it gets there, and the opening of the car and hoistway doors are entirely automatic.

POWER-DRIVEN METAL FORMING, PUNCHING, AND SHEARING MACHINE OCCUPATIONS (ORDER NO. 8)

The occupations of operator of or helper on the following power-driven metal forming, punching, and shearing machines are prohibited:

(1) All rolling machines, such as beading, straightening, corrugating, flanging, or bending rolls; and hot or cold rolling mills.

(2) All pressing or punching machines, such as punch presses, except those provided with full automatic feed and ejection and with a fixed barrier guard to prevent the hands or fingers of the operator from entering the area between the dies; power presses; and plate punches.

(3) All bending machines, such as apron brakes and press brakes.

(4) All hammering machines, such as drop hammers and power hammers.

(5) All shearing machines, such as guillotine or squaring shears; alligator shears; and rotary shears.

The occupations of setting up, adjusting, repairing, oiling, or cleaning these machines including those with automatic feed and ejection.

Definitions

The term "operator" shall mean a person who operates a machine covered by this Order by performing such functions as starting or stopping the machine, placing materials into or removing them from the machine, or any other functions directly involved in operation of the machine.

The term "helper" shall mean a person who assists in the operation of a machine covered by this Order by helping place materials into or remove them from the machine.

The term "forming, punching, and shearing machines" shall mean power-driven metal-working machines, other than machine tools, which change the shape of or cut metal by means of tools, such as dies, rolls, or knives which are mounted on rams, plungers, or other moving parts. Types of forming, punching, and shearing machines enumerated in this section are the machines to which the designation is by custom applied.

Note: This order does not apply to a very large group of metal-working machines known as machine tools. Machine tools are defined as "power-driven complete metal-working machines having one or more tool-or work-holding devices, and used for progressively removing metal in the form of chips." Since the Order does not apply to machine tools, the 18-year age minimum does not apply. Such machine tools are classified below so that they can be readily identified.

Milling function Machines
- Horizontal Milling Machines
- Vertical Milling Machines
- Universal Milling Machines
- Planer-type Milling Machines
- Gear Hobbing Machines
- Profilers
- Routers

Turning function Machines
- Engine Lathes
- Turret Lathes
- Hollow Spindle Lathes
- Automatic Lathes
- Automatic Screw Machines

Planing function Machines
- Planers
- Shapers
- Slotters
- Broaches
- Keycasters
- Hack Saws

Grinding function Machines
- Grinders
- Abrasive Wheels
- Abrasive Belts
- Abrasive Disks
- Abrasive Points
- Polishing Wheels
- Buffing Wheels
- Stroppers
- Lapping Machines

Boring function Machines
- Vertical Boring Mills
- Horizontal Boring Mills
- Jig Borers
- Pedestal Drills
- Radial Drills
- Gang Drills
- Upright Drills
- Drill Press, etc.
- Centering Machines
- Reamers
- Honers

Exemptions

The exemptions for apprentices and student-learners apply to this Order, see page 36.

OCCUPATIONS IN CONNECTION WITH MINING, OTHER THAN COAL (ORDER NO. 9)

All occupations in connection with mining, other than coal, are prohibited except the following:

(1) Work in offices, in the warehouse or supply house, in the change house in the laboratory, and in repair or maintenance shops not located underground.

(2) Work in the operation and maintenance of living quarters.

(3) Work outside the mine in surveying, in the repair and maintenance of roads, and in general clean-up about the mine property such as clearing brush and digging drainage ditches.

(4) Work of track crews in the building and maintaining of sections of railroad track located in those areas of open-cut metal mines where mining and haulage activities are not being conducted at the time and place that such building and maintenance work is being done.

(5) Work in or about surface placer mining operations other than placer dredging operations and hydraulic placer mining operations.

(6) The following work in metal mills other than in mercury-recovery mills or mills using the cyanide process:

(a) Work involving the operation of jigs, sludge tables, flotation cells, or drier-filters.

(b) Work of hand sorting at picking table or picking belt.

(c) General cleanup work.

Provided, however, that nothing in this section shall be construed as permitting employment of minors in any occupation prohibited by any other hazardous occupations order issued by the Secretary of Labor.

Definitions

As used in this section: The term "all occupations in connection with mining, other than coal" shall mean all work performed underground in mines and quarries; on the surface at underground mines and underground quarries; in or about open-cut mines, open quarries, clay pits, and sand and gravel operations; at or about placer mining operations; at or about dredging operations for clay, sand or gravel; at or about bore-hole mining

operations; in or about all metal mills, washer plants, or grinding mills reducing the bulk of the extracted minerals; and at or about any other crushing, grinding, screening, sizing, washing or cleaning operations performed upon the extracted minerals except where such operations are performed as a part of a manufacturing process. The term shall not include work performed in subsequent manufacturing or processing operations, such as work performed in smelters, electro-metallurgical plants, refineries, reduction plants, cement mills, plants where quarried stone is cut, sanded and further processed, or plants manufacturing clay, glass, or ceramic products. Neither shall the term include work performed in connection with coal mining, in petroleum production, in natural-gas production, nor in dredging operations which are not a part of mining operations, such as dredging for construction or navigation purposes.

OCCUPATIONS INVOLVING SLAUGHTERING, MEAT-PACKING OR PROCESSING, OR RENDERING (ORDER NO. 10)

The following occupations in or about slaughtering and meat-packing establishments, rendering plants, or wholesale, retail or service establishments are prohibited:

(1) All occupations on the killing floor, in curing cellars, and in hide cellars, except the work of messengers, runners, hand-truckers, and similar occupations which require entering such workrooms or workplaces infrequently and for short periods of time.

(2) All occupations involved in the recovery of lard and oils, except packaging and shipping of such products and the operations of lard-roll machines.

(3) All occupations involved in tankage or rendering of dead animals, animal offal, animal fats, scrap meats, blood, and bones into stock feeds, tallow, inedible greases, fertilizer ingredients, and similar products.

(4) All occupations involved in the operation or feeding of the following power-driven meat-processing machines, including the occupation of setting-up, adjusting, repairing, oiling, or cleaning such machines: meat patty forming machines, meat and bone cutting saws, knives (*except bacon-slicing machines),

head splitters, and guillotine cutters; snout pullers and jaw pullers; skinning machines; horizontal rotary washing machines; casing-cleaning machines such as crushing, stripping, and finishing machines;grinding, mixing, chopping, and hashing machines; and presses (except belly-rolling machines).

(5) All boning occupations.

(6) All occupations that involve the pushing or dropping of any suspended carcass, half carcass, or quarter carcass.

(7) All occupations involving hand-lifting or hand-carrying any carcass or half carcass of beef, pork, or horse, or any quarter carcass of beef or horse.

Definitions

The term "slaughtering and meat-packing establishments" shall mean places in or about which cattle, calves, hogs, sheep, lambs, goats, or horses are killed, butchered, or processed. The term shall also include establishments which manufacture or process meat products or sausage casings from such animals.

The term "rendering plants" shall mean establishments engaged in the conversion of dead animals, animal offal, animal fats, scrap meats, blood, and bones into stock feeds, tallow, inedible greases, fertilizer ingredients, and similar products.

The term "killing floor" shall include that workroom or workplace where cattle, calves, hogs, sheep, lambs, goats, or horses are immobilized, shackled, or killed, and the carcasses are dressed prior to chilling.

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*Note: The term "bacon-slicing machine" as used in this Order refers to those machines which are designed solely for the purpose of slicing bacon and are equipped with enclosure or barrier guards that prevent the operator from coming in contact with the blade or blades, and with devices for automatic feeding, slicing, shingling, stacking, and conveying the sliced bacon away from the point of operation.

The term "curing cellar" shall include that workroom or workplace which is primarily devoted to the preservation and flavoring of meat by curing materials. It does not include that workroom or workplace where meats are smoked.

The term "hide cellar" shall include that workroom or workplace where hides are graded, trimmed, salted, and otherwise cured.

The term "boning occupations" shall mean the removal of bones from meat cuts. It shall not include work that involves cutting, scraping, or trimming meat from cuts containing bones.

Exemptions

The exemptions for apprentices and student-learners apply to this Order, see page 36.

This order shall not apply to the killing and processing of poultry, rabbits, or small game in areas physically separated from the "killing floor".

POWER-DRIVEN BAKERY MACHINE OCCUPATIONS (ORDER NO. 11)

The following occupations involved in the operation of power-driven bakery machines are prohibited:

(1) The occupations of operating, assisting to operate, or setting up, adjusting, repairing, oiling, or cleaning any horizontal or vertical dough mixer; batter mixer; bread dividing, rounding, or molding machine; dough brake; dough sheeter; combination bread slicing and wrapping machine; or cake cutting band saw.

(2) The occupation of setting up or adjusting a cooky or cracker machine.

Note: This Order does not apply to the following list of bakery machines which may be operated by 16 and 17-year-old minors:

Ingredient Preparation and Mixing:
flour-sifting machine operator
flour-blending machine operator
sack-cleaning machine operator

Product Forming and Shaping:
roll-dividing machine operator
roll-making machine operator
batter-sealing machine operator
depositing machine operator
cooky or cracker machine operator
wafer machine operator
pretzel-stick machine operator
pie-dough sealing machine operator
pie-dough rolling machine operator
pie-crimping machine operator

Finishing and Icing:
depositing machine operator
enrobing machine operator
spray machine operator
icing mixing machine operator

Slicing and Wrapping:
roll slicing and wrapping machine operator
cake wrapping machine operator
carton packing and sealing machine operator

Pan Washing:
spray-type pan washing machine operator
tumbler-type pan washing machine operator

POWER-DRIVEN PAPER-PRODUCTS MACHINE OCCUPATIONS
(ORDER NO. 12)

The occupations of operating or assisting to operate any of the following power-driven paper-products machines are prohibited:

(1) Arm-type wire stitcher or stapler, circular or band saw, corner cutter or mitering machine, corrugating and single-or double-facing machine, envelope die-cutting press, guillotine paper cutter or shear, horizontal bar scorer, laminating or combining machine, sheeting machine, scrap-paper baler, or vertical sloter.
(2) Platen die-cutting press, platen printing press, or punch press which involves hand feeding of the machine.

The occupations of setting up, adjusting, repairing, oiling, or cleaning these machines including those which do not involve hand feeding are prohibited.

Definitions

The term "operating or assisting to operate" shall mean all work which involves starting or stopping a machine covered by this Order, placing materials into or removing them from the machine, or any other work directly involved in operating the machine.

The term "paper-products machine" shall mean power-driven machines used in the remanufacture or conversion of paper or pulp into a finished product. The term is understood to apply to such machines whether they are used in establishments that manufacture converted paper pulp products, or in any other type of manufacturing or non-manufacturing establishment.

NOTE: There are many machines not covered by this Order. The most important of these machines are the following:

Bag Machine, Bag-Making Machine
Bottoming Machine (Bags)
Box-Making Machine (Collapsible Boxes)
Bundling Machine
Calender Roll and Plating Machines
Cigarette Carton Opener and Tax Stamping Machine
Clasp Machine
Counting, Stacking and Ejecting Machine
Corner Stayer
Covering, Lining or Wrapping Machines (Set-up Boxes)
Creping Machine
Dornbusch Machines (Wall Paper)
Ending Machine (Set-up Boxes)
Envelope Machine
Folding Machine
Gluing, Scaling, or Gumming Machine
Interfolding Machine
Jogging Machine
Lacer Machine
Parchmentizing, Waxing, or Coating Machines
Partition Assembling Machine
Paper Cup Machine
Quadruple Stayer
Rewinder
Rotary Printing Press

Ruling Machine
Slitting Machine
Straw Winder
Stripping Machine
Taping Machine
Tube Cutting Machine
Tube Winder
Tube Machine (Paper Bags)
Window Patch Machine
Wire or Tag Stringing Machine

Exemptions

The exemptions for apprentices and student-learners apply to this Order, see page 36.

OCCUPATIONS INVOLVED IN THE MANUFACTURE OF BRICK, TILE AND KINDRED PRODUCTS (ORDER NO. 13)

The following occupations involved in the manufacture of clay construction products and of silica refractory products are prohibited:

(1) All work in or about establishments in which clay construction products are manufactured, except (a) work in storage and shipping; (b) work in offices, laboratories, and storerooms; and (c) work in the drying departments of plants manufacturing sewer pipe.

(2) All work in or about establishments in which silica brick or other silica refractories are manufactured, except work in offices.

(3) Nothing in this section shall be construed as permitting employment of minors in any occupation prohibited by any other hazardous occupations order issued by the Secretary of Labor.

Definitions

The term "clay construction products" shall mean the following clay products: Brick, hollow structural tile, sewer pipe and kindred products, refractories, and other clay products such as architectural terra cotta, glazed structural tile, roofing tile, stove lining, chimney pipes and tops, wall coping, and drain tile. The term shall not include the following non-structural-bearing

clay products: Ceramic floor and wall tile, mosaic tile, glazed and enameled tile, faience, and similar tile, nor shall the term include nonclay construction products such as sand-lime brick, glass brick, or nonclay refractories.

The term "silica brick or other silica refractories" shall mean refractory products produced from raw materials containing free silica as their main constituent.

OCCUPATIONS INVOLVED IN THE OPERATION OF POWER-DRIVEN CIRCULAR SAWS, BAND SAWS, AND GUILLOTINE SHEARS (ORDER NO. 14)

The occupations of operator of or helper on the following power-driven fixed or portable machines are prohibited except for machines equipped with full automatic feed and ejection:

(1) Circular saws.
(2) Band saws.
(3) Guillotine shears.

The occupations of setting up, adjusting, repairing, oiling, or cleaning circular saws, band saws, and guillotine shears are prohibited.

Definitions

The term "operator" shall mean a person who operates a machine covered by this Order by performing such functions as starting or stopping the machine, placing materials into or removing them from the machine, or any other functions directly involved in operation of the machine.

The term "helper" shall mean a person who assists in the operation of a machine covered by this Order by helping place materials into or remove them from the machine.

The term "machines equipped with full automatic feed and ejection" shall mean machines covered by this Order which are equipped with devices for full automatic feeding and ejection and with a fixed barrier guard to prevent completely the operator or helper from placing any part of his body in the point-of-operation area.

The term "circular saw" shall mean a machine equipped with a thin steel disc having a continuous series of notches or teeth on the periphery, mounted on shafting, and used for sawing materials.

The term "band saw" shall mean a machine equipped with an endless steel band having a continuous series of notches or teeth, running over wheels or pulleys, and used for sawing materials.

The term "guillotine shear" shall mean a machine equipped with a movable blade operated vertically and used to shear materials. The term shall not include other types of shearing machines, using a different form of shearing action, such as alligator shears or circular shears.

Exemptions

The exemptions for apprentices and student-learners apply to this Order, see page 36.

OCCUPATIONS INVOLVED IN WRECKING, DEMOLITION, AND SHIPBREAKING OPERATIONS (ORDER NO. 15)

All occupations in wrecking, demolition, and shipbreaking operations are prohibited:

Definitions

The term "wrecking, demolition, and shipbreaking operations" shall mean all work, including cleanup and salvage work, performed at the site of the total or partial razing, demolishing, or dismantling of a building, bridge, steeple, tower, chimney, other structure, ship or other vessel.

OCCUPATIONS IN ROOFING OPERATIONS (ORDER NO. 16)

All occupations in roofing operations are prohibited:

Definitions

The term "roofing operations" shall mean all work performed in connection with the application of weather-proofing materials and substances (such as tar or pitch, asphalt prepared paper, tile, slate, metal, translucent materials, and shingles of asbestos, asphalt or wood) to roofs of buildings or other structures. The term

shall also include all work performed in connection with: (1) The installation of roofs, including related metal work such as flashing and (2) alterations, additions, maintenance, and repair, including painting and coating, of existing roofs. The term shall not include gutter and downspout work; the construction of the sheathing or base of roofs; or the installation of television antennas, air conditioners, exhaust and ventilating equipment, or similar appliances attached to roofs.

Exemptions

The exemptions for apprentices and student-learners apply to this Order, see page 36.

OCCUPATIONS IN EXCAVATION OPERATIONS (ORDER NO. 17)

The following occupations in excavation operations are prohibited:

(1) Excavating, working in, or backfilling (refilling) trenches, except (a) manually excavating or manually backfilling trenches that do not exceed four feet in depth at any point, or (b) working in trenches that do not exceed four feet in depth at any point.

(2) Excavating for buildings or other structures or working in such excavations, except (a) manually excavating to a depth not exceeding four feet below any ground surface adjoining the excavation, or (b) working in an excavation not exceeding such depth, or (c) working in an excavation where the side walls are shored or sloped to the angle of repose.

(3) Working within tunnels prior to the completion of all driving and shoring operations.

(4) Working within shafts prior to the completion of all sinking and shoring operations.

Exemptions

The exemptions for apprentices and student-learners apply to this Order, see page 36.

EXEMPTIONS FROM HAZARDOUS OCCUPATIONS ORDERS

Hazardous Occupations Orders Nos. 5, 8, 10, 12, 14, 16 and 17 contain exemptions for 16 and 17-year-old apprentices and student-learners provided they are employed

under the following conditions:

I. Apprentices: (1) The apprentice is employed in a craft recognized as an apprenticeable trade; (2) the work of the apprentice in the occupations declared particularly hazardous is incidental to his training; (3) such work is intermittent and for short periods of time and is under the direct and close supervision of a journeyman as a necessary part of such apprentice training; and (4) the apprentice is registered by the Bureau of Apprenticeship and Training of the U. S. Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by a State agency as employed in accordance with the standards of the State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, or is employed under a written apprenticeship agreement and conditions which are found by the Secretary of Labor to conform substantially with such Federal or State standards.

II. Student-Learners: (1) The student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school; and (2) such student-learner is employed under a written agreement which provides: (i) That the work of the student-learner in the occupations declared particularly hazardous shall be incidental to the training; (ii) That such work shall be intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person; (iii) That safety instructions shall be given by the school and correlated by the employer with on-the-job training; and (iv) That a schedule of organized and progressive work processes to be performed on the job shall have been prepared. Each such written agreement shall contain the name of the student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of each agreement shall be kept on file by both the school and the employer. This exemption for the employment of student-learners may be revoked in any individual situation where it is found that reasonable precautions have not been observed for the safety of minors employed thereunder. A high school graduate may be employed in an occupation in which training has been completed as provided in this paragraph as a student-learner, even though the youth is not yet 18 years of age.

PENALTIES FOR VIOLATION

For each violation of the child labor provisions or any regulation issued thereunder, employers may be subject to a civil money penalty of up to $1,000.

The Act was amended, effective May 1, 1974, authorizing (in section 16(e)) the Secretary of Labor to assess a civil money penalty of not to exceed $1,000 for each violation of the child labor provisions of the Act or any regulation issued thereunder. When a child labor civil money penalty is assessed against an employer, the employer has the right, within 15 days after receipt of the notice of such penalty, to file an exception to the determination that the violation or violations of the child labor provisions occurred. When such an exception is filed with the Administrator of the Wage and Hour Division, the matter is referred to the Chief Administrative Law Judge, and a formal hearing is scheduled. At such a hearing the employer may, or an attorney retained by the employer may, present such witnesses, introduce such evidence and establish such facts as the employer believes will support the exception. The determination of the amount of any civil money penalty becomes final if no exception is taken to the administrative assessment thereof, or if an exception is filed, pursuant to the decision and order of the administrative law judge.

The Act also provides, in the case of willful violation, for a fine up to $10,000; or, for a second offense committed after the conviction of such person for a similar offense, for a fine of not more than $10,000; or imprisonment for not more than 6 months, or both. The Secretary of Labor may also ask a Federal district court to restrain future violations of the child labor provisions of the Act by injunction.

AGE CERTIFICATES

Employers may protect themselves from unintentional violation of the child labor provisions by keeping on file an employment or age certificate for each minor employed to show that the minor is the minimum age for the job. Certificates issued under most State laws are acceptable for purposes of the Act.

Inquiries about the Fair Labor Standards Act will be answered by mail, telephone, or personal interview at any office of the Wage and Hour Division of the U. S. Department of Labor. Offices are listed in the telephone directory under U. S. Department of Labor in the U. S. Government listing. These offices also supply publications free of charge.